IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 20TH NOVEMBER 2006 / 29TH KARTHIKA 1928

WP(C).No. 29294 of 2006(K)

PETITIONER:

NEELAKANDAN NAMPOOTHIRI,
KEEZH SANTHY, (UNDER ORDER OF RELIEF),
ETTUMANUR DEVASWOM, KOTTAYAM.

BY ADV. SRI.R.RAJASEKHARAN PILLAI
SRI.R.SREEDHARAN NAIR
SMT.SABINA JAYAN

RESPONDENTS:

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1. THE TRAVANCORE DEVASWOM BOARD,
REP. BY ITS SECRETARY,
DEVASWOM B0ARD BUILDINGS,
NANTHANCODE, THIRUVANANTHAPURAM.

2. THE DEVASWOM COMMISSIONER,
TDB, DEVASWOM BOARD BUILDINGS,
NANTHANCODE, THIRUVANANTHAPURAM.

3. THE ASSISTANT DEVASWOM COMMISSIONER,
ETTUMANNUR GROUP, ETTUMANUR.

4. THE ADMINISTRATIVE OFFICER,
ETTUMANUR DEVASWOM, KOTTAYAM.

5. ABHILASH, KEEZHSANTHY,
ETTUMANUR DEVASWOM, KOTTAYAM.

R1 TO 4 BY SC SHRI. ANCHAL C.VIJAYAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 29294 OF 2006

Dated this the 20th November, 2006.

JUDGMENT

Heard counsel for the petitioner and the standing counsel for respondents 1 to 4. In the nature of the order I propose to pass, it is not necessary to afford an opportunity of being heard to the fifth respondent.

2. The petitioner is now working as Keezsanthy in Mannar Devaswom. Immediately prior to his joining duty in Mannar Devaswom he was working as Keezhsanthy in Ettumanur Devaswom. He has challenged Ext.P5 order transferring him from Ettumanur to Mannar. Ground No:H of the writ petition reads as follows:-

> "The petitioner submits that the fifth respondent having undergone a bypass surgery has sought for a light duty even by seeking a posting as peon so that he would be getting light duty the respondents have acted in an arbitrary manner by providing him the heavy and arduous task of a Keezhsanthi at Ettumanoor. It is also submitted that it has been given to understand that the fifth respondent is performing the duty with a "runner" as he cannot by himself discharge the functions of Santhy let alone a Keezhsanthy. In any event of the matter Ext.P5 cannot be sustained."

3. Shri. Anchal C.Vijayan, counsel for respondents 1 to 4 submits that the statement made by the petitioner in ground No: H above is correct and that as and when the request of the fifth respondent is allowed by the competent

authority, the petitioner's case for posting him as Keezhsanthy in Ettumanur Devaswom can be considered and favourable orders passed. It is also stated that no other eligible applicant is there on the records of the Devaswom for a posting in 2006 as Keezhsanthy in Ettumanur Devaswom.

4. Though various other grounds also have been urged by the petitioner, the above statement made on behalf of respondents 1 to 4 will afford sufficient relief to the petitioner. Accordingly recording the above submission made by the standing counsel for respondents 1 to 4, this writ petition is disposed of. The claim of the petitioner for salary as prayed for in relief No: III is left open.

K.K.DENESAN
Judge

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